

# Idaho Industrial Commission

If an injured worker (claimant) has a disagreement with the insurer/employer that cannot be resolved informally, the claimant can use the formal judicial process. Due to the complexity of the judicial process, it is recommended that you contact an attorney.

The basic steps involved:

1. Initiating the process
2. Preparing the case
3. Scheduling the hearing
4. Appealing the decision

## Initiating the process

The judicial process is started by filing a [complaint](#). The original complaint is filed with the Commission and a copy must be sent to the employer or insurance company. All information on the complaint form must be included.

## Preparing the case

After filing the complaint, the case must be prepared and presented to the Hearing Officer. Some typical steps are listed below but this is not a complete list. If you have questions, you may want to consult an attorney.

- Gather all known medical records
- Organize the records
- Read and understand the records
- Determine what your doctor will say<sup>1</sup>
- Exchange interrogatories<sup>2</sup>
- Gather other evidence, documents, and information necessary to prove your claim

<sup>1</sup> Ask your doctor about his/her experience with workers' compensation. A doctor with experience in workers' compensation may be able to assist you in documenting whether you qualify for benefits.

<sup>2</sup> Interrogatories are written questions that one person asks the other and the other must answer

## Schedule a hearing

To obtain a decision from the Hearing Officer, a hearing must be held on your case. To arrange for a hearing, file a request for calendaring<sup>1</sup> with the Commission. The hearing will be held before a hearing officer. The other parties will be present. Evidence and testimony are presented. Examination and cross-examination will be allowed. The proceedings will be recorded by a court recorder and a transcript is commonly prepared.

Post-hearing depositions and briefs may be required. When the case is finally presented to the Hearing Officer, a decision is typically issued within three months.

Some costs may be incurred in preparing for and attending a hearing. If you have questions for concerns about costs and expenses you may want to seek legal counsel.

<sup>1</sup>A request for calendaring is a letter to the Commission to request a hearing date. See the [Judicial Rules of Procedure](#) for more information.

### Appealing the decision

If you disagree with the hearing decision you can ask the Commission for a reconsideration. You have twenty days to file a motion for reconsideration.

The Commission will issue a ruling on the motion for reconsideration. If the claimant is still dissatisfied with the outcome, an appeal may be filed with the Idaho Supreme Court. The Idaho Supreme Court has its own rules and procedures for appeals.

Or, if you do not wish to file a reconsideration, you may file an appeal with the Idaho Supreme Court within 42 days of the hearing decision. The Idaho Supreme Court has its own rules and procedures for appeals.

### Dispute flow chart

There are several steps and important timelines for cases that are decided by the Commission. We have created a [flow chart](#) showing the steps in a typical claim.

### Finding an attorney

Some attorneys may be willing to evaluate your case at no charge before accepting you as a client.

The Idaho State Bar provides lists of attorneys who handle workers' compensation cases. You can obtain a list of qualified attorneys by calling 208-334-4500. [You can also click here to complete a referral form.](#) (This will take you to the State Bar site.)

### Judicial Rules

You can read about the rules regarding complaints and hearings in the [Judicial Rules of Procedure](#).